UNITED NATIONS

A TL338

General Assembly

Distr.
GENERAL

A/47/435
11 September 1992

ORIGINAL: ENGLISH

Forty-seventh session
Item 103 of the provisional agenda*

QUESTION OF EAST TIMOR

Progress report of the Secretary-General

1. In the last progress report of the Secretary-General (A/46/456), dated 13 September 1991, my predecessor reported that the substantive talks between Indonesia and Portugal had continued under his auspices. He also reported that, on 27 June 1991, the two Governments had reached agreement, ad referendum, on a number of pending issues related to the terms of reference for a visit to East Timor by a delegation from the Portuguese Parliament and that the agreement had subsequently been approved by the competent authorities of the two sides. A copy of the agreement was annexed to that report. He further reported on the efforts that were being made to prepare the practical arrangements for the visit. He had expressed his hope that the proposed visit could help to create an atmosphere conducive to a comprehensive and internationally acceptable solution to the question of East Timor.

2. Regrettably, however, after much of the groundwork had been laid, the visit did not take place as planned. Its cancellation was attributed to a difference between the parties over a particular journalist nominated by Portugal to accompany the parliamentary delegation. Since then, the dialogue that had been held through the Secretary-General's good offices since 1983 has been interrupted.

3. Following the cancellation of the visit on 12 November 1991, Indonesian forces in Dili, the capital of East Timor, opened fire on a crowd of mourners who had gone to the Santa Cruz cemetery to place flowers on the grave of a student who had earlier allegedly been killed by Indonesians. The crowd was reported to have been shouting anti-Indonesian and pro-FRETILIN (Frente

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Revolucionaria de Timor Leste Independente) slogans. A National Commission of Inquiry, established by the Government of Indonesia, concluded in its report, dated 13 April 1992, that about 50 people were killed and the number of those wounded exceeded 91. Other accounts have given considerably higher casualty figures. The incident was widely condemned internationally.

4. On 3 February 1992, I announced my decision to send Mr. Amos Wako, Attorney General of Kenya and an international authority on human rights, to Indonesia and East Timor as my Personal Envoy to consult with the Government of Indonesia and to obtain clarifications on the tragic Santa Cruz incident. Mr. Wako visited Indonesia and East Timor from 9 to 14 February 1992 and submitted his report to me on 19 February. On 24 March, I transmitted to Mr. Ali Alatas, Minister for Foreign Affairs of Indonesia, the conclusions and recommendations contained in Mr. Wako's report. On 30 May, Mr. Alatas responded to me by providing, inter alia, his Government's reaction to Mr. Wako's conclusions and recommendations, the full report of the National Commission of Inquiry established by the Government, a copy of a statement by the Army Chief of Staff on the findings of a Military Council of Honour established in accordance with the instructions of the President to examine the 12 November incident and on the actions taken against some members of the armed forces in connection with that incident.

5. On 4 March 1992, the Chairman of the Commission on Human Rights made a statement announcing what had been agreed upon by consensus by the Commission concerning the human rights situation in East Timor. The Commission, inter alia, deplored the violent incident in Dili on 12 November 1991, welcomed the early action of the Indonesian Government in setting up a National Commission of Inquiry, and stated that it was encouraged by the announcement by the Indonesian Government of disciplinary measures and military court proceedings regarding some members of the armed forces. It called for the humane treatment of those civilians arrested, the assurance of proper legal representation and fair trial for those brought to trial and the release without delay of those who had not been involved in violent activities. It also welcomed the appointment of Mr. Wako as the Personal Envoy of the Secretary-General; encouraged the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor; called upon the Indonesian Government to facilitate access to East Timor for additional humanitarian and human rights organizations, and requested the Secretary-General to continue to follow closely the human rights situation in East Timor and to keep the Commission on Human Rights informed at its forty-ninth session. I consider it significant, in this connection, that the Government of Indonesia has given its acceptance in principle to my proposal that my Personal Envoy should visit the area again at an appropriate time.

6. With respect to the search for a comprehensive and internationally acceptable solution of the question of East Timor, since my assumption of office in January 1992 my senior colleagues and I have been engaged in consultations with the parties concerned in an effort to find an acceptable format and modalities for reconvening the substantive talks that had gone on

since 1983 under the auspices of my predecessor until they were interrupted last autumn. It is my considered view that the renewal of these talks could lead to substantive progress in the direction of a comprehensive and internationally acceptable solution.

7. In this connection, Mr. Joao de Deus Pinheiro, Minister for Foreign Affairs of Portugal, wrote to me on 13 January 1992, expressing Portugal's readiness to cooperate with me in fulfilling my mandate under General Assembly resolution 37/30 of 23 November 1982, which requested the Secretary-General to initiate consultations with all parties directly concerned. He also proposed a format and modalities for the dialogue.

8. The ideas conveyed by the Minister for Foreign Affairs of Portugal were transmitted to the Indonesian Government and have been discussed at length at my meetings with the Minister for Foreign Affairs of Indonesia, on 21 February in New York, on 15 April at Beijing, and on 2 September at Jakarta, as well as during meetings with Foreign Minister de Deus Pinheiro of Portugal on 24 January in New York and at the London Conference on Yugoslavia on 26 August. On several occasions in New York, other United Nations officials have held discussions on the subject with the respective Ambassadors and other officials of the two countries. Foreign Minister Alatas of Indonesia also formally conveyed to me, on 30 May and again on 2 September, the position of his Government with regard to the basis and modalities of the proposed talks. In addition, I have had exchanges of views with other interested parties. Finally, I had the opportunity to discuss the matter with President Suharto of Indonesia at Jakarta on 2 September.

9. As a result of these contacts, I have invited the Ministers for Foreign Affairs of Indonesia and Portugal to hold informal consultations in New York under my auspices and without preconditions, starting on the occasion of their presence at United Nations Headquarters for the forty-seventh session of the General Assembly. I am confident that such a consultation can lead to a mutually agreeable format for the substantive talks and set them on a solid and fruitful course. I wish to take this opportunity to reiterate my personal commitment to contribute my utmost to the search for a comprehensive and internationally acceptable solution to a problem that has been on the international agenda for a considerable period of time.